

## **TITLE 326 AIR POLLUTION CONTROL BOARD**

### **LSA Document #00-44**

#### **SUMMARY/RESPONSE TO COMMENTS FROM THE THIRD COMMENT PERIOD**

The Indiana Department of Environmental Management (IDEM) requested public comment from June 1, 2001, through June 21, 2001, on IDEM's draft rule language. IDEM received comments from the following party:

Bernie Paul, Eli Lilly and Company (ELC)

Following is a summary of the comments received and IDEM's responses thereto.

*Comment:* Incinerators subject to new federal and state emission requirements should not be subject to any of the standards in 326 IAC 4-2 because it only adds another layer of regulation and potential complexity. (ELC)

*Response:* IDEM seeks to eliminate overlapping or duplicative requirements. However, IDEM disagrees that Federal emission requirements encompass all the requirements present in the current state rule. The current state rules have been approved as part of the state implementation plan (SIP) and U.S. EPA would need to determine that any changes to the state rules are not a relaxation of the stringency of the SIP.

*Comment:* We support the basic proposal to exempt sources subject to relatively new federal and state emission control requirements. This approach recognizes that the newer rules are far more comprehensive and stringent. (ELC)

*Response:* Sources should only be subject to the more stringent requirements of the above mentioned rules.

*Comment:* 326 IAC 4-2 and 326 IAC 9-1 should be revised to establish clear requirements that will enable incinerator operators to understand exactly what are their compliance requirements. Only 326 IAC 4-2-2(a)(1), (a)(2), (a)(3), and (a)(8) establish clear and meaningful requirements for incinerator operators. (ELC)

*Response:* IDEM has restructured the rules and rewritten portions of the rules in order to better establish clear requirements. IDEM revised 326 IAC 4-2-2 (a)(2) to clarify that a primary burner is required unless only burning wood. IDEM revised 326 IAC 9-1, to clarify that carbon emissions are the emissions controlled in this rulemaking.

*Comment:* IDEM should avoid requiring sources to operate equipment in accordance with specifications. Such standards are vague, practically unenforceable, and as years pass, standards become more unclear. It is likely that a source has developed means of operating the device that deviate from the manufacturer's specifications, but achieve equal or better performance. (ELC)

*Response:* Incinerators, even the small incinerators, can pose air quality and public health problems if used improperly. Manufacturer's specifications are tailored to the unique specification and design of each type and size of incinerator and are meant to provide basic standards of operation. The requirement to follow manufacturer's specifications is in the current rule which is approved as part of Indiana's state implementation plan. The rule does allow a company the alternative option to develop an operation and maintenance plan in lieu of manufacturer's specifications.